

PROOF

STATE OF IOWA

Senate Journal

MONDAY, APRIL 25, 2011

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JOURNAL OF THE SENATE

ONE HUNDRED SIXTH CALENDAR DAY
SIXTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 25, 2011

The Senate met in regular session at 1:13 p.m., President Kibbie presiding.

A moment of silence was observed in remembrance of Staff Sergeant James Justice, from Grimes, Iowa, who was killed in Afghanistan on Saturday, April 23, 2011.

Prayer was offered by Reverend Allen Wiese, pastor of First United Methodist Church in Chariton, Iowa. He was the guest of Senator McKinley.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Hannah Walsh.

The Journal of Thursday, April 21, 2011, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:20 p.m. until the fall of the gavel.

RECONVENED

The Senate reconvened at 1:23 p.m., President Kibbie presiding.

The Senate stood at ease at 1:24 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:09 p.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 3:10 p.m. until 4:30 p.m.

RECONVENED

The Senate reconvened at 5:38 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 524](#) and [House File 679](#).

[Senate File 524](#)

On motion of Senator Hogg, [Senate File 524](#), a bill for an act relating to wind and other sources of renewable energy development and production, was taken up for consideration.

Senator Hogg offered amendment [S-3267](#), filed by him on April 19, 2011, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment [S-3267](#) was adopted by a voice vote.

With the adoption of amendment [S-3267](#), the Chair ruled amendment [S-3288](#), filed by Senator Bartz on April 21, 2011, to pages 1, 3, and 4 of the bill, out of order.

Senator Hogg asked and received unanimous consent that [House File 672](#) be substituted for [Senate File 524](#).

[House File 672](#)

On motion of Senator Hogg, [House File 672](#), a bill for an act relating to wind and other sources of renewable energy development and production, was taken up for consideration.

Senator Bartz asked and received unanimous consent that action on **House File 672** be **deferred**.

House File 679

On motion of Senator McCoy, **House File 679**, a bill for an act relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (**H.F. 679**), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 679** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 25, 2011, **passed** the following bill in which the concurrence of the House was asked:

Senate File 289, a bill for an act relating to open records and public meetings and including effective date provisions.

ALSO: That the House has on April 25, 2011, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 313, a bill for an act relating to medical assistance program-related provisions. (S-3292)

ALSO: That the House has on April 25, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

House File 686, a bill for an act relating to a state marketing and advertising expenditure plan and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:49 p.m. until 9:00 a.m., Tuesday, April 26, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Brenda Axness, Trinity Regional Medical Center, Fort Dodge—For being named one of the 100 Great Iowa Nurses. Senator Beall (4/25/11).

Edwin and Connie Benson, Irwin—For celebrating their 50th wedding anniversary. Senator Boettger (4/25/11).

Ron and Charlotte Benton, Cumberland—For celebrating their 50th wedding anniversary. Senator Boettger (4/25/11).

Lindsay Calvert, Guthrie Center—For being elected 2011–2012 President of Iowa State FFA. Senator Boettger (4/25/11).

Jeannine Dencklau, Trinity Regional Medical Center, Fort Dodge—For being named one of the 100 Great Iowa Nurses. Senator Beall (4/25/11).

Madison Densmore, Ankeny—For being a Presidential Scholar Semifinalist. Senator Whitver (4/25/11).

Karen Johnson, Iowa Central Community College, Fort Dodge—For being named one of the 100 Great Iowa Nurses. Senator Beall (4/25/11).

Clarence Kruse, Hampton—For celebrating his 85th birthday. Senator Ragan (4/25/11).

Jim and Donna Phillips, Anita—For celebrating their 50th wedding anniversary. Senator Boettger (4/25/11).

Larry and Joni Perdue, Griswold—For celebrating their 50th wedding anniversary. Senator Boettger (4/25/11).

Bill and Carolyn Steele, Atlantic—For celebrating their 60th wedding anniversary. Senator Boettger (4/25/11).

Jim and Barb Waters, Cumberland—For celebrating their 50th wedding anniversary. Senator Boettger (4/25/11).

Merle and Lucille Winther, Harlan—For celebrating their 65th wedding anniversary. Senator Boettger (4/25/11).

Bob and Marie Zakeer, Fort Dodge—For serving as 2011 Frontier Day Parade Grand Marshals. Senator Beall (4/25/11).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Monday, April 25, 2011, 3:15 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Bartz, Black, Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour.

Members Absent: None.

Committee Business: Passed [HF 649](#), as amended. Approved [SSB 1209](#).

Recessed: 3:20 p.m.

Reconvened: 5:00 p.m.

Adjourned: 5:35 p.m.

RULES AND ADMINISTRATION

Convened: Monday, April 25, 2011, 1:20 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Courtney, Danielson, Dearden, Dvorsky, Ragan, and Zaun.

Members Absent: Bartz and Kettering (both excused).

Committee Business: Approved governor's appointees. Passed [SR 10](#).

Adjourned: 1:25 p.m.

INTRODUCTION OF BILL

[Senate File 531](#), by committee on Ways and Means, a bill for an act relating to renewable fuels, including by providing for tax credits and refunds, and including effective date and applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: [HOUSE FILE 649](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN [S-3293](#).

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 8: Kettering, Bartz, Boettger, Dix, Houser, Johnson, Kapucian, and Seymour. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 10](#), a resolution inviting the people of Yamanashi Prefecture, Japan, to be the guests of the State of Iowa at the rededication of the Japanese Bell of Peace and Friendship.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gronstal, Kibbie, McKinley, Courtney, Danielson, Dearden, Dvorsky, Ragan, and Zaun. Nays, none. Absent, 2: Bartz and Kettering.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *[SENATE FILE 531](#) (formerly [SF 496](#)), a bill for an act relating to renewable fuels, including by providing for tax credits and refunds, and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Bolkcom, Seng, Anderson, Bartz, Black, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirmbach, and Smith. Nays, 2: Zaun and Chelgren. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on [Senate File 531](#), and they were attached to the committee report.

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

TERM

CIVIL RIGHTS COMMISSION, IOWA STATE (216.3) Patricia Lipski, Washington	05/01/2011 – 04/30/2015
LATINO AFFAIRS, COMMISSION OF (216A.12) Alejandro Pino, Bettendorf	04/20/2011 – 04/30/2014
NATIVE AMERICAN AFFAIRS, COMMISSION OF (216A.162) Vicky Apala-Cuevas, Davenport	05/01/2011 – 04/30/2015
Keith Carpenter, Bridgewater	05/01/2011 – 04/30/2015
NURSING, BOARD OF (147.14(1)(c)) Debra Larson, Marion	05/01/2011 – 04/30/2014

The appointments were referred to the committee on **Rules and Administration**.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on April 25, 2011:

HUMAN RESOURCES

Alejandro Pino – Commission of Latino Affairs

JUDICIARY

Patricia Lipski – Iowa State Civil Rights Commission

STATE GOVERNMENT

Vicky Apala-Cuevas – Commission of Native American Affairs
Keith Carpenter – Commission of Native American Affairs

Debra Larson – Board of Nursing

AMENDMENTS FILED

S-3289	H.F.	648	Appropriations
S-3290	H.F.	672	Robert M. Hogg
S-3291	H.F.	672	Merlin Bartz
S-3292	S.F.	313	House